

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Norbert STADELE

Application No.: 40/805,337

Filed: March 22, 2004

For: CORRUGATING MACHINE AND METHOD...

Art Unit: 1733

Examiner: B.J. Musser

Washington, D.C.

Atty.'s Docket: STADELE=2

Confirmation No.: 9096

Date: November 8, 2006

Customer Service Window, **Mail Stop Amendment**Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Randolph Building, 401 Dulany Street  
Alexandria, Virginia 22314

Sir:

Transmitted herewith is a **REPLY TO RESTRICTION AND ELECTION REQUIREMENTS** in the above-identified application.

- ☐ Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.  
☒ No additional fee is required.  
☐ The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	*	MINUS	** 20	0
INDEP.	*	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 25	\$
x 100	\$
+ 180	\$
ADDITIONAL FEE TOTAL	
\$	

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 50	\$
x 200	\$
+ 360	\$
TOTAL	
\$	

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.  
\*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

## Small Entity

## Response Filed Within

- ☐ First - \$ 60.00  
☐ Second - \$ 225.00  
☐ Third - \$ 510.00  
☐ Fourth - \$ 795.00

Month After Time Period Set

## Other Than Small Entity

## Response Filed Within

- ☐ First - \$ 120.00  
☐ Second - \$ 450.00  
☐ Third - \$ 1020.00  
☐ Fourth - \$ 1590.00

Month After Time Period Set

☐ Less fees (\$ ) already paid for month(s) extension of time on .

☐ Please charge my Deposit Account No. 02-4035 in the amount of \$ .

☐ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ .

☐ A check in the amount of \$ is attached (check no. ).

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)

By:   
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: STADELE=2

In re Application of:	)	Confirmation No.: 9096
	)	
Norbert STADELE	)	Art Unit: 1733
	)	
Appln. No.: 10/805,337	)	Examiner: B. J. Musser
	)	
Filing Date: March 22, 2004	)	November 8, 2006
	)	
For: CORRUGATING MACHINE AND	)	
METHOD FOR THE...	)	

**REPLY TO RESTRICTION AND ELECTION REQUIREMENTS**

Customer Service Window, Mail Stop Amendment  
Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Randolph Building, 401 Dulany Street  
Alexandria, Virginia 22314

Sir:

The applicant is in receipt of the Office Action mailed October 10, 2006, entirely in the nature of a restriction requirement and a requirement for election of species, and applicant replies below.

First, however, applicant respectfully requests the PTO to acknowledge receipt of applicant's papers filed under Section 119.

Restriction has been required between what the PTO deems to be two (2) patentably distinct inventions. As applicant must make an election even though the requirement is traversed, applicant hereby respectfully and provisionally

elects Group II directed to the method and presently comprising claims 9-11, with traverse and without prejudice.

Applicant traverses on the basis of the second paragraph of MPEP 803 which **requires** a search and examination of an entire application, **even when the requirement is correct**, if it would not constitute a "serious burden" to do so. While the apparatus and method are indicated in the Office Action to be classified in different subclasses of the same class (156), applicant believes and submits that a complete search of the elected method would **require** a search into the classification location of the corresponding apparatus. Once such a search has been conducted, it would not constitute a "serious burden" to examine the machine claims along with the elected method claims.

Accordingly, applicant requests withdrawal of the restriction requirement and examination of all the claims on the merits.

In addition to the restriction requirement, the PTO has also required an election of species with respect to printing upstream or downstream of the corrugating device. Again, applicant must make an election even though the requirement is traversed, and therefore applicant hereby provisionally and respectfully elects the species wherein printing happens downstream of the corrugating device, i.e.

after the corrugating device, with traverse and without prejudice. The claims which read on this elected species are all three of the elected method claims 9-11.

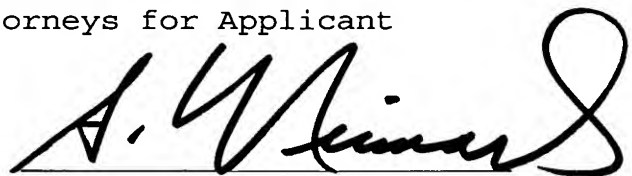
Again, applicant respectfully traverses the requirement on the basis of lack of "serious burden", and respectfully repeats by reference the remarks made above in reply to the restriction requirement. Incidentally, if the restriction requirement is withdrawn, and the presently non-elected apparatus claims are examined along with the method claims, then those apparatus claims which read on the elected species are claims 1 and 4-8.

In summary, applicant respectfully requests withdrawal of the restriction and election requirements and examination of all the claims on the merits. Applicant now respectfully awaits receipt of the results of a first action on the merits.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant

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